

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-9 are presently active in this case. The present Amendment amends Claims 1-4 and 6-9 without introducing any new matter.

In the outstanding Office Action, Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as anticipated by Solondz (U.S. Patent No. 5,615,249). Claims 3-9 were allowed.

Applicant acknowledges with appreciation the indication of allowable subject matter.

Initially, Applicant respectfully requests that reference AW cited in the Information Disclosure Statement filed September 11, 2002 be acknowledged as having been considered in the next Office Action. An English translation of the Abstract was provided for this reference.

In order to correct minor formalities and to better comply with U.S. claim drafting practice, Claims 1-4 and 6-9 are amended. Since the changes to the claims are merely formal in nature, Applicant respectfully submits that the changes do not raise any question of new matter.

To clarify Applicant's invention, independent Claim 1 is amended to recite features regarding a plurality of functional counters configured to count accumulated utilization information and to recite features regarding the functions of the dedicated communication terminals. These features find non-limiting support in the disclosure as originally filed, for example at page 15, lines 7-23, page 19, lines 1-6 and in Figure 4. In view of the amendments to Claim 1, the rejection of Claim 1 under 35 U.S.C. §102(b) over Solondz is rendered moot. Accordingly, Applicant respectfully traverses the rejection and requests reconsideration of the rejection, as next discussed.

The applied reference Solondz, used by the outstanding Office Action to form the 35 U.S.C. §102(b) rejection, discloses a system of prioritizing service call establishment requests in a cellular telephone system.¹ Solondz describes that the mobile telephone switch office 112 has a call processor 114, that accesses a database 116 to determine the level-of-service of a mobile terminal unit 106.² Solondz further explains at column 4, lines 38-41 that the level-of-service are the priority levels of phone calls, such as “normal service,” “basic service,” and “economy service.” However, Solondz fails to teach or suggest a plurality of functional counters ***configured to count accumulated utilization information*** of the functions of the dedicated communication terminal, as recited in amended independent Claim 1. Solondz may verify in a database what service priority level a terminal unit is operating in, but fails to teach or suggest the claimed functional counters. Accordingly, requesting priority level of a database for identifying a priority level, as taught by Solondz, ***is not*** counting accumulated utilization information by functional counters, as recited in Applicant’s Claim 1.

Independent Claim 2 recites limitations analogous to the limitations recited in independent Claim 1. Moreover, Claim 2 has been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that the rejection of Claim 2 is rendered moot by the present amendment to Claim 2 and is also believed to be overcome.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-9 is earnestly solicited.

¹ See Solondz in the Abstract.

² See Solondz at column 4, lines 6-26 and in Figures 1 and 2.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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